

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANGELICA JUNIOUS,

Plaintiff,

v.

W. BAKER, et al.,

Defendants.

No. 1:22-cv-03681

Judge Edmond E. Chang

Magistrate Judge Maria Valdez

SECOND SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO STAY

Defendant Sgt. William Baker (“Sgt. Baker”), by his attorney, Kimberly M. Foxx, State’s Attorney of Cook County, through her Assistant State’s Attorney, Miguel E. Larios, pursuant to this Court’s September 1, 2023 Order (dkt. 114), and for his Second Supplemental Brief in Support of Defendants’ Motion to Stay (dkt. 104), Sgt. Baker states the following:

1. As this Court is aware, Sgt. Baker was formerly represented in this matter by Assistant State’s Attorneys James W. O’Connor and Antonio C. Lee from the Civil Actions Bureau of the Cook County State’s Attorney’s Office (the “CCSAO”).

2. On August 14, 2023, Assistant State’s Attorney Miguel E. Larios from the Conflicts Counsel Unit filed his appearance for Sgt. Baker only and moved to withdraw the appearances of ASAs O’Connor and Lee, which the Court granted shortly thereafter. (Dkt. 96, 97, 99).

3. On August 18, 2023, Defendants Purcell, Chengary, Rahn, Walz, and Sheriff Dart filed their motion to stay the proceedings pursuant to the abstention

doctrine established by *Younger v. Harris*, 401 U.S. 37 (1971). (Dkt. 104). Sgt. Baker later filed a motion to join the motion for a stay. (Dkt. 105).

4. On August 21, 2023, the Court entered an Order finding that “a conflicts inquiry is warranted,” because Defendants Purcell, Chengary, Rahn, Walz, and Sheriff Dart reported in their stay motion that an individual (Steven McKinnie) is being criminally charged in connection with Plaintiff’s claims in this matter, specifically the claim that Plaintiff was sexually assaulted by Steven McKinnie while at Cermak. (Dkt. 106). The Court noted that the prosecution in the criminal case is represented by the same Office as the Defendants in this civil case [the CCSAO] and thus ordered Defendants, including Sgt. Baker, to “file a supplement to the stay motion explaining their position on the potential conflict.” (*Id.*).

5. On August 28, 2023, Defendants filed their supplemental brief with Sgt. Baker filing his brief separately. (Dkt. 112, 113).

6. On September 1, 2023, the Court entered an Order that “the Defendants shall file one more concise supplement by 12 p.m. on 09/05/2023, stating whether (1) they concede that the sexual assault happened; (2) they will contest whether the sexual assault happened; or (3) they have not yet decided whether to concede or to contest whether the sexual assault happened.” (Dkt. 114).

7. Out of an abundance of caution, the Conflicts Counsel Unit will tender Mr. Baker’s representation to outside counsel who will represent Sgt. Baker in this litigation moving forward. The undersigned counsel regrets any confusion caused by his previous filing and did not intend any evasiveness in his position.

8. As a result of the outside counsel referral for Sgt. Baker, and because present counsel does not want to limit any arguments that future counsel may wish to assert on Mr. Baker's behalf, Sgt. Baker has not decided at this time whether to concede or to contest whether the sexual assault happened.

Dated: September 5, 2023

Respectfully submitted,

KIMBERLY M. FOXX

State's Attorney of Cook County

/s/ Miguel E. Larios

Miguel E. Larios

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Counsel for Defendant Sgt. William Baker

CERTIFICATE OF SERVICE

The undersigned certifies that on September 5, 2023, he filed the foregoing document using the CM/ECF e-filing system with the Clerk of the Court for the United States District Court for the Northern District of Illinois, which will notify counsel of record of this electronic filing.

/s/ Miguel E. Larios